

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
WESTERN DIVISION

CHRISTIAN EMPLOYERS ALLIANCE,

Plaintiff,

v.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION, ET AL.

Defendants.

CIVIL CASE NO. 1-21-cv-00195-
DMT-CRH

JUDGE DANIEL M. TRAYNOR

PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

Oral Argument Requested

Plaintiff, Christian Employers Alliance (CEA), moves this Court, pursuant to FED. R. CIV. P. 65, for a preliminary injunction against Defendants Equal Employment Opportunity Commission, Chair Charlotte A. Burrows (together, “EEOC”), the U.S. Department of Health and Human Services, Secretary Xavier Becerra, Office for Civil Rights of the U.S. Department of Health and Human Services, and Lisa J. Pino (together, “HHS”), their employees, agents, and successors in office. Specifically, Plaintiff moves for a preliminary injunction:

- A. enjoining the EEOC from enforcing the EEOC Coverage Mandate against the CEA and its present and future members;
- B. enjoining the EEOC from interpreting or enforcing Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, or any implementing regulations

thereto against the CEA and its members in a manner that would require them to provide insurance coverage for gender transition services;

C. enjoining the EEOC from applying or enforcing the EEOC Coverage Mandate against the insurers and third-party administrators of the CEA's present and future members;

D. enjoining the EEOC from interfering with the CEA's present and future members' relationships with their insurers or third-party administrators and with those members' attempts to contract for morally compliant health plans or health insurance coverage for their employees;

E. enjoining HHS from enforcing the HHS Gender Identity Mandate against the CEA and its present and future members;

F. enjoining HHS from interpreting or enforcing Section 1557 of the Affordable Care Act, 42 U.S.C. § 18116, and any implementing regulations thereto against the CEA members in a manner that would require them to provide, offer, perform, facilitate, or refer for gender transition services;

G. enjoining HHS from interpreting or enforcing Section 1557 of the Affordable Care Act, 42 U.S.C. § 18116, and any implementing regulations thereto against the CEA members in a manner that prevents, restricts, or compels CEA members' speech on gender identity issues;

H. enjoining enforcement of HHS's 2016 Rule and 2021 Notice of Enforcement and the resulting HHS Gender Identity Mandate, and EEOC's agency guidance and the resulting EEOC Coverage Mandate, under 5 U.S.C. §§ 701, 706;

I. enjoining and postponing, pending this proceeding, the effective date of HHS's 2016 Rule and 2021 Notice of Enforcement and the resulting HHS Gender Identity Mandate, and EEOC's agency guidance and the resulting EEOC Coverage Mandate, under 5 U.S.C. §§ 701, 705.

This Motion is more fully supported by the accompanying Memorandum in Support of Plaintiff's Motion for Preliminary Injunction.

Respectfully submitted this 19th day of October, 2021.

By: s/ Jacob E. Reed .
JACOB E. REED
OH Bar No. 99020
**ALLIANCE DEFENDING
FREEDOM**
44180 Riverside Parkway
Lansdowne, VA 20176
Telephone: (571) 707-4655
Facsimile: (571) 707-4656
jreed@ADFlegal.org

JULIE MARIE BLAKE
MO Bar No. 69643
**ALLIANCE DEFENDING
FREEDOM**
440 First Street, NW, Ste. 600
Washington, D.C. 20001
Telephone: (202) 393-8690
Facsimile: (202) 347-3622
jblake@ADFlegal.org

Attorneys for Plaintiff